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2 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
3 **IN MEDICINE AND SURGERY**

4 IN THE MATTER OF:

5 **MARK L. GRISWOLD, D.O.**
6 Holder of License No. **2799**

7 For the practice of osteopathic
8 medicine in the State of Arizona,

Case No. 3728

**CONSENT AGREEMENT FOR
FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
PROBATIONARY ORDER**

9 By mutual agreement and understanding, the Arizona Board of Osteopathic
10 Examiners (hereinafter "Board") and Mark L. Griswold, D.O. (hereinafter
11 "Respondent"), the parties hereto, agree to the following disposition to this
12 matter.

13 1. Respondent acknowledges that he has read this Consent Agreement
14 and Order; and, Respondent is aware of and understands the contents of these
15 documents.

16 2. Respondent understands that by entering into this Consent Agreement
17 and Order, he voluntarily relinquishes any rights to a hearing on the matters
18 alleged as grounds for Board action or to seek judicial review of the Consent
19 Agreement and Order in state or federal court.

20 3. Respondent understands that this Consent Agreement and Order will
21 not become effective unless approved by the Board and signed by its Executive
22 Director.


23 4. Respondent further understands that this Consent Agreement and
24 Order, once approved and signed, shall constitute a public record which will be
25 disseminated as a formal action of the Board.

1 5. Respondent admits to the statement of facts and conclusions of law
2 contained in this Consent Agreement and Order.

3 6. All admissions made by Respondent are solely for final disposition of
4 this matter and any subsequent administrative proceedings or litigation involving
5 the Board, Respondent and the State of Arizona; and, therefore, said admissions
6 by Respondent are not intended for any other purpose or administrative
7 regulatory proceeding or litigation in another state or federal court.

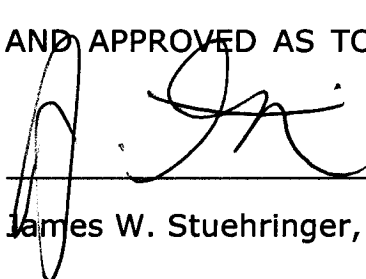
8 7. Respondent acknowledges and agrees that upon signing and returning
9 this document (or a copy thereof) to the Board's Executive Director, he may not
10 later revoke or amend any part of the Consent Agreement and Order, without first
11 obtaining Board approval.

12 REVIEWED AND ACCEPTED THIS 10 DAY OF JANUARY, 2008.

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15 Mark L. Griswold, D.O., Respondent

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17 REVIEWED AND APPROVED AS TO FORM THIS 19 DAY OF JANUARY,
18 2008.

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21 James W. Stuehringer, Attorney for Respondent

22 **JURISDICTIONAL STATEMENTS**

23 1. The Board is empowered, pursuant to A.R.S. § § 32-1800 *et seq.*, to
24 regulate the licensing and practice of osteopathic medicine in Arizona.

25 . . .

2. The Board has the authority to informally dispose of matters by stipulation, agreed settlement, consent order or default pursuant to A.R.S. § 41-1092.05(F)(5).

FINDINGS OF FACT

1. In August 2007, the Board staff received information from the United States Drug Enforcement Administration that the office that the Respondent owned and operated had ordered a large amount of narcotic medications for dispensing purposes.

2. A routine check of Board records indicated that the Respondent was not registered to dispense medication from his office.

3. On August 7, 2007 the Board ordered the Respondent to complete a bodily fluid test at Southwest Laboratory.

4. On August 8, 2007, Southwest Laboratory reported that the Respondent tested positive for the following: Benzodiazepines; Cocaine Metabolite; Meperidine; Opiates; Normeperidine and Hydrocodone.

5. Subsequently, the Respondent admitted to the Board's Executive Director and Investigator that he was diverting controlled substances for his personal use.

6. Pursuant to an Order of the Board, the Respondent entered and successfully completed a 90 day inpatient treatment program at the Betty Ford Center in Rancho Mirage California and was discharged November 10, 2007.

7. The discharge summary written by Dr. Haroutunian of the Betty Ford Center concluded that "the multi-disciplinary treatment team, counselors, case managers and I have found no reason why Dr. Griswold cannot return to practice as soon as is agreeable to the Arizona Diversion Board and monitoring program."

1 8. Respondent returned to Tucson November 10, 2007. Since his return,
2 he has attended A.A. meetings daily. Respondent has provided the Board with
3 the log of his A.A. meetings signed by the chairperson of those meetings.

4 9. Since his discharge from the Betty Ford Center, Respondent has come
5 under the care of Michael A. Sucher, M.D. who he sees or speaks with regularly.
6 Dr. Sucher oversees his post treatment supervision and random urinalysis. Dr.
7 Sucher has prepared, and Respondent has agreed to, a Recovery Monitoring
8 Agreement dated November 16, 2007, a copy of which has been provided to the
9 Board.

10 10. Respondent and his wife returned to the Betty Ford Center to
11 participate in an optional session known as the Relationship Enhancement
12 Workshop. Their attendance was from November 30, 2007, to December 2, 2007.

13 11. Respondent continues in ongoing treatment and care with his
14 psychiatrist Vicki Berkus, M.D., who has provided the Board with a status report
15 dated December 7, 2007.

16 12. By way of letter dated December 12, 2007, Dr. Sucher has provided
17 an update on Respondent's compliance with aftercare requirements. He concludes
18 "Dr. Griswold has been fully compliant with all program requirements. All drug
19 screens have been negative. His prognosis for ongoing recovery is excellent.
20 There are no safety issues regarding his practice of medicine". Dr. Sucher's letter
21 has been given to the Board.

22 13. Respondent has also come under the care of Brian J. Walker, PhD.,
23 who is a licensed psychologist. Dr. Walker has prepared a report dated January
24 16, 2008, which has been given to the Board. His report concludes:

25 ...

1 In my opinion, Dr Griswold is genuinely committed to
2 sobriety and to his various treatment activities. He is
3 remorseful for his struggles with addiction, and he is
4 highly motivated to overcoming them. In my opinion, his
prognosis is very good, especially given his extensive
aftercare program and his strict compliance with all
aspects of it.

5 **CONCLUSIONS OF LAW**

6 1. Pursuant to A.R.S. § 32-1800, *et seq.* the Arizona Board of
7 Osteopathic Examiners in Medicine and Surgery has subject matter and personal
8 jurisdiction in this matter.

9 2. The conduct and circumstances described in paragraphs 4 and 5
10 above constitute unprofessional conduct as defined in the following paragraphs
11 of A.R.S. § 32-1854:

12 (3) Practicing medicine while under the influence of alcohol,
13 narcotic or hypnotic drugs or any substance that impairs or
14 may impair the licensee's ability to safely and skillfully practice
15 medicine.

16 (5) Prescribing, dispensing or administering controlled substances
17 or prescription only drugs for other than accepted therapeutic
18 purposes.

19 (22) Using controlled substances or prescription-only drugs unless
20 they are provided by a medical practitioner, as defined in
21 section 32-1901, as part of a lawful course of treatment.

22 (23) Any conduct or practice that impairs the licensee's ability to
23 safely and skillfully practice medicine or that may reasonably be
24 expected to do so.

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1 established by the therapist. In the event Respondent changes therapists, he
2 shall give the Board written notice within ten (10) days of said action.
3 Respondent shall not discontinue or reduce the frequency of psychotherapy
4 sessions until he has submitted a written request to the Board and obtained Board
5 approval.

6 4. Respondent's therapist(s) shall receive a copy of this Order and Board
7 staff shall cooperate with and disclose all relevant information in the Board's files
8 concerning Respondent. The treating therapist shall be directed by Respondent
9 to send to the Board a detailed written progress report every month for the
10 remainder of the probation; and Respondent, shall waive any confidentiality
11 concerning his psychotherapy in order that the Board may receive full disclosure
12 of information. The expense of the aforementioned therapy and the reports to the
13 Board by Respondent's therapist shall be the sole responsibility of the
14 Respondent.

15 5. Respondent shall provide a copy of this Order and any subsequent
16 Orders to all facilities where Respondent is currently (or subsequently) employed
17 as a physician and/or has (or subsequently receives) privileges to engage in the
18 practice of medicine. Respondent shall provide a copy of this Order to all treating
19 physicians, dentists and/or health care professionals. Respondent shall continue
20 to make the aforementioned disclosure and provide copies of this Consent Order
21 until the expiration of this Order.

22 6. Respondent may have his license to practice as an osteopathic
23 physician restricted, suspended or revoked by the Board in the future if:

24 (a) The Board finds that Respondent does not have the requisite
25 mental, physical and emotional fitness to safely continue the practice of medicine;

1 or,

2 (b) There are new grounds for finding unprofessional conduct
3 concerning Respondent; or,

4 (c) Respondent fails to comply fully with the terms and conditions
5 of this Order.

6 7. Respondent shall abstain completely from the consumption of
7 alcoholic beverages or any substance with alcohol (i.e., mouth wash, cough
8 syrups); and, Respondent shall not consume illicit drugs or take any controlled
9 substances (i.e., prescription only drugs), unless his treating physician prescribed
10 such medication for him with the awareness that Respondent has a substance
11 abuse disorder. Respondent shall maintain a monthly log (for the duration of
12 probation) of all prescription only drugs taken by him and such log shall include
13 the following information:

14 (a) the name of the medication;

15 (b) name of prescribing physician;

16 (c) reason for the medication.

17 8. At the first of each month, Respondent shall report by letter to the
18 Board whether or not he is taking any prescription only medication and, if so, a
19 copy of his log reflecting the above information.

20 9. Respondent shall also, as part of his probation: (a) submit to and
21 cooperate in any independent medical or psychological evaluation that is ordered
22 by the Board for Respondent and conducted by the Board's designated physician
23 and/or psychologist which shall be paid for by Respondent; and (b) appear before
24 the Board, upon receipt of a request by written or telephonic notification from the
25 Board's executive director which shall be given at least five (5) days prior to the

1 Board meeting; and, (c) submit to random biological fluid testing and promptly
2 provide (i.e., within sixty (60) minutes of notification) required biological fluids for
3 testing and said testing shall be done at the Respondent's expense.

4 10. Respondent shall participate in 90 meetings in 90 days following his
5 November 10, 2007, discharge from the Betty Ford Center and then attend a
6 minimum of three (3) self-help meetings per week through such organizations as
7 A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all
8 meetings attended and have the log signed by the chairperson of the meeting.
9 Respondent will provide the Board with a copy of the signed log the first of every
10 month.

11 11. In the event Respondent moves and ceases to practice medicine in
12 Arizona, he shall give written notice to the Board of his new residence address
13 within twenty (20) days of moving; and, the terms and duration of probation may
14 be stayed by the Board until Respondent returns to practice medicine in Arizona.

15 12. Respondent shall reimburse the Board for all expenses associated with
16 the continued monitoring of this matter.

17 13. Respondent shall continue to meet all licensing requirements such as
18 continuing medical education and renewal requirements including applicable fees
19 pursuant to A.R.S. § 32-1825.

20 14. The Board's Executive Director shall send correspondence to the
21 appropriate state and/or federal law enforcement agency disclosing information
22 in the Board's possession which may establish criminal misconduct by
23 Respondent, i.e., illicit use of controlled substances.

24 15. Respondent's failure to comply with the requirements of this Order
25 shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as

1 amended, and may be considered as grounds for further disciplinary action (e.g.,
2 suspension or revocation of license) in the event that Respondent fails to comply
3 with any of the requirements of this Order.



4 ISSUED THIS 30th DAY OF JANUARY, 2008.

5 STATE OF ARIZONA
6 BOARD OF OSTEOPATHIC EXAMINERS IN
7 MEDICINE AND SURGERY

8 By Jack Confer, Executive Director

9
10 Original "Consent Agreement to
11 Findings of Fact, Conclusions of Law,
12 and Probationary Order" filed this 30th
13 day of January, 2008, with the:

14 Arizona Board of Osteopathic Examiners
15 In Medicine and Surgery
16 9535 E. Doubletree Ranch Road
17 Scottsdale, AZ 85258-5539

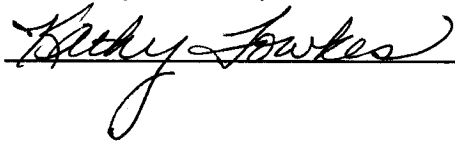
18 Copy of the foregoing "Consent Agreement to
19 Findings of Fact, Conclusions of Law,
20 and Probationary Order" sent via certified, return
21 receipt requested this 30th day of January,
22 2008, to:

23 Mark L. Griswold, D.O.
24 Griswold Eye Clinic
25 1521 E. Tangerine Road, Suite 301
Oro Valley, AZ 85737

Copies of the foregoing "Consent Agreement to
Findings of Fact, Conclusions of Law, and
Probationary Order" sent via regular mail this
30th day of January, 2008, to:

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 W. Washington
Phoenix, AZ 85007

1 James W. Stuehringer, Esq.
2 Waterfall, Economidis, Caldwell,
3 Hanshaw & Villamana, P.C.
4 5210 E. Williams Circle, Ste. 800
5 Tucson, AZ 85711
6 Attorney for Respondent

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